

FILED
11/10/2022

SMB

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re MICHAEL WOLF,	)	No. 19-cv-08299
)	
Debtor.	)	Consolidated Cases:
	)	Nos. 18 C 07952, 18 C 07953,
-----	)	19 C 01978, 19 C 08154, and
	)	19 C 08299
N. NEVILLE REID, not individually,)	
but solely in his capacity as Chapter 7	)	Judge John J. Tharp, Jr.
Trustee of the bankruptcy estate of)	
Michael A. Wolf, et al.,	)	(Bankr. No. 14 B 27066)
	)	(Adv. Proc. 16 AP 00066)
Plaintiffs-Appellees,)	
	)	BANKRUPTCY PROPOSED
v.	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
SCOTT WOLF, MICHAEL WOLF, et al.,	)	under 28 U.S.C. §157(c) &
	)	BANKRUPTCY APPEAL
Defendants-Appellants.	)	under 28 U.S.C. §158(a)

APPELLANT/DEFENDANT MICHAEL WOLF'S
AMENDED MOTION FOR REHEARING/RECONSIDERATION

Now Comes Appellant/Defendant, Michael Wolf (“Michael”), *pro se*, and pursuant to Rule 59(e) of the Federal Rules of Civil Procedure and Rule 4(a)(4)(A)(iv) of the Federal Rules of Appellate Procedure, as well as pursuant to Rules 8013 and 8022 of the Federal Rules of Bankruptcy Procedure, hereby moves this Honorable Court to amended his previously filed Motions for Rehearing/Reconsideration (which are now fully briefed), so that they include and operate against any and all amended judgments entered by this Court (pursuant to FRCP 60(a)) subsequent to September 30, 2022, so that all avenues and rights to file notices of appeal are preserved, and states as follows:

Amended Motion

On September 30, 2022, this Court entered its Memorandum Opinion and Order in all of the consolidated cases¹.

Also on September 30, 2022, this Court entered its Judgment Order in all of the consolidated cases².

On October 14, 2022, both Michael and Scott Wolf filed Motions for Rehearing/Reconsideration, under FRBP 8022, in all of the consolidated cases³.

Also on October 14, 2022, the Trustee filed a motion to amend/correct this Court's Judgment Order in all of the consolidated cases, which was brought under FRCP 60(a)⁴.

On October 28, 2022, Scott Wolf also filed a Motion for Reconsideration, under FRCP 59(e), as the 19-cv-01978 case isn't technically a bankruptcy appeal⁵.

¹ Case 18-cv-07952: Doc. 66; Case 18-cv-07953: Doc. 38; Case 19-cv-01978: Doc. 24; Case 19-cv-08154: Doc. 22; Case 19-cv-08299: Doc. 23

² Case 18-cv-07952: Doc. 67; Case 18-cv-07953: Doc. 39; Case 19-cv-01978: Doc. 25; Case 19-cv-08154: Doc. 23; Case 19-cv-08299: Doc. 24

³ Case 18-cv-07952: Doc. 70; Case 18-cv-07953: Doc. 41; Case 19-cv-01978: Doc. 26; Case 19-cv-08154: Doc. 24; Case 19-cv-08299: Doc. 26

⁴ Case 18-cv-07952: Doc. 69; Case 18-cv-07953: Doc. 40; Case 19-cv-01978: Doc. 28; Case 19-cv-08154: Doc. 26; Case 19-cv-08299: Doc. 25

⁵ Case 19-cv-01978: Doc. 33

However, this Court granted the Trustee's motion to amend the judgment order on October 27, 2022, within all of the consolidated cases⁶.

This Court entered its Amended Judgment Order on October 27, 2022, within all of the consolidated cases⁷.

Out of an abundance of caution to preserve all rights of appeal, through this *instant* motion, Michael Wolf hereby puts all on notice and amends his previously filed Motions for Rehearing/Reconsideration (which are now fully briefed), to include, and also operate against, and be directed to the Amended Judgment Orders as well.

Michael, through his already filed Motions for Rehearing / Reconsideration, and this *instant* motion, expressly preserves all rights to file notices of appeal against all memorandum opinions and orders entered by this Court since September 30, 2022, once the pending Motions for Rehearing/Reconsideration have been ruled upon by this Court, as is his right under FRAP 4(a), 6(a) and (b).

WHEREFORE, Michael respectfully requests that this Court and all parties to this case are put on notice and recognize, that through this *instant* motion, Michael's previously filed Motions for Rehearing/Reconsideration are hereby

⁶ Case 18-cv-07952: Doc. 74; Case 18-cv-07953: Doc. 45; Case 19-cv-01978: Doc. 31; Case 19-cv-08154: Doc. 29; Case 19-cv-08299: Doc. 30

⁷ Case 18-cv-07952: Doc. 75; Case 18-cv-07953: Doc. 46; Case 19-cv-01978: Doc. 32; Case 19-cv-08154: Doc. 30; Case 19-cv-08299: Doc. 31

amended to operate against the Amended Judgment Orders that were entered under FRCP 60(a) on October 27, 2022, and that the Trustee can't later argue that through some procedural "trick", that Michael's right to an appeal has somehow been extinguished due to the entry of an amended judgment order while timely filed motions for rehearing/reconsideration were pending.

Dated: November 10, 2022

Prepared By:

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Respectfully Submitted,

/s/Michael Wolf
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CERTIFICATE OF SERVICE

I, Michael Wolf, hereby certify that I caused a true and correct copy of the foregoing *APPELLANT/DEFENDANT MICHAEL WOLF'S AMENDED MOTION FOR REHEARING / RECONSIDERATION*, and the documents referred to therein, to be served on the parties listed below via third-party commercial carrier and/or mail, and/or via email, and/or via fax, as well as electronically via the Court's CM/ECF system (all as indicated below on the service list), on the 10th day of November, 2022.

SERVICE LIST

via ELECTRONIC MAIL (and via CM/ECF where noted):

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United States Trustee		pat.s.layng@usdoj.gov
U.S. Bankruptcy Court, Clerk		ilnb_appeals@ilnb.uscourts.gov

Dated: November 10, 2022

Signed,

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